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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/116,785	07/16/1998	ROBERT G. HARRISON	4166-COM	2952

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EXAMINER

BUI, KIEU OANH T

ART UNIT PAPER NUMBER

2611

DATE MAILED: 10/03/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/116,785

Applicant(s)

HARRISON ET AL.

Examiner

KIEU-OANH T BUI

Art Unit

2611

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 19 July 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

Response to Arguments & Remarks

1. Applicant's arguments with respect to claims 1-20 have been considered but are moot in view of the new ground(s) of rejection.
2. Applicants originally do not claim the benefit of ANY provisional application in the oath statement; except providing an incorrect provisional application No. 60/006,166 in the Cross Reference section of the present application, wherein that application belongs to a different inventor, titled as "Practice Device." Then, **after received** the first Non-Final Office Action (paper no. 9) from the Examiner, Applicants's amendment necessitated the new ground(s) of rejection by providing new Cross References (paper no. 13) with a list of co-pending references and claiming the benefit of a provisional application 60/174,964 and declared its filing date was 07/16/97 while this application was actually filed on 01/06/2000 with its title "Flat Screen Appliances." Finally, on 07/10/02, Applicants faxed to the Examiner a provisional application filing receipt of ANOTHER application 60/052,703 and claimed the benefit of this application, while in fact, assuming that this provisional application is properly filed, but it is eventually NOT claimed or entered in any official document, i.e., either in the Oath statement or in the newly added cross references (paper no. 13). Appropriate correction is required. This is a Final Office Action from the Examiner due to the Applicants's amendment which necessitated the new ground(s) of rejection.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

*A person shall be entitled to a patent unless --
(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371© of this title before the invention thereof by the applicant for patent.*

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) do not apply to the examination of this application as the application being examined was not (1) filed on or after November 29, 2000, or (2) voluntarily published under 35 U.S.C. 122(b). Therefore, this application is examined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

4. Claims 1-6, and 9-19 are rejected under 35 U.S.C. 102(e) as being anticipated by Jeon et al. (U.S. Patent No. 5,822,012 /or “Jeon” hereinafter).

Regarding claim 1, Jeon discloses a system comprising: an appliance, i.e., home appliances such as an air conditioner, a boiler or exterior lights are addressed (col. 2/lines 60-63); means for monitoring the performance of said appliance; and means for transmitting data indicative of the status of said appliance from said monitoring means to a facility physically *remote* from the appliance and the appliance monitoring means, i.e., a sensing input 60 may periodically, continuously or selectively monitors the statuses of the sensing device 90 for statuses of home devices/or appliances within the home or from remote commands supplied from a remote location away from the appliance and the monitoring device and/or from a facility such as an business office (col. 1/lines 22-27; col. 2/lines 49-67 and col. 3/lines 1-12).

As for claim 2, in further view of claim 1 above, Jeon further discloses the system “in which the means for monitoring said appliance comprises: a data processing and storage means”, i.e., an MPU 70 acts as a data processing means and a memory 40 for storage means (Fig. 1/items 70 & 40, respectively); and means for transmitting data from said appliance to said data processing and storage means, i.e., sensor input 60 collects data from monitoring or sensing device 90 and transmits (monitored) data from the appliance to the MPU 70 and memory 40 (col. 2/lines 49-67 and col. 3/lines 25-65).

As for claim 3, in further view of claim 2 above, Jeon further teaches the system “in which the means for transmitting data from said appliance to said data processing and storage means comprises a modem and means connecting said modem to a power line servicing said appliance”, i.e., a modem is used for remotely controlling the home appliance from a location away from home (col. 3/lines 1-23).

As for claim 4, in further view of claim 1 above, Jeon further discloses the system “in which the means for transmitting information from said data processing and storage means to said facility comprises a phone modem”, i.e., a phone modem is included therein for connecting to a public service telephone network or PSTN line (Fig. 1/item 50, and col. 3/line 65 to col. 4/line 11).

As for claim 5, in further view of claim 1 above, Jeon further discloses the system “in which the means for monitoring the appliance comprises an integrated unit with multiple user-selectable modes of operation”, a controller 80 acts as an integrated unit for multiple user-selectable mode of operation since the user can selectively control multiple appliances with that unit alone (see col. 4/lines 12-25).

As for claim 6, in further view of claim 5 above, Jeon shows the system “in which one of said user-selectable modes is a DIAGNOSTIC mode, said integrated unit having the capability with said unit operating in the DIAGNOSTIC mode of displaying a message reporting the status of said appliance”, i.e., the status of (problem, if any) appliances are displayed to the user either in a picture-in-picture format, in a split screen format or in an entire screen format as any problem occurs in the form of diagnostic solving (see col. 3/lines 34-50).

As for claim 9, in further view of claim 5 above, Jeon discloses the system “in which said integrated unit comprises a television with a screen; said system further comprising a user-actuable means for selecting operation of said system in a television viewing mode”, i.e., a display 30 is a television screen (Fig. 1/item 30 and col. 1/lines 25-41) and the user can select to view the television viewing mode as he/she normally does (see col. 3/lines 25-33).

As for claim 10, in further view of claim 5 above, Jeon further discloses the system “which comprises a remote control for selecting an operating mode of said integrated unit, said remote control having a separate, dedicated control for selecting each operating mode of said appliance”, i.e., an input device 110 is used or a remote control (not shown, col. 3/lines 50-65) for remotely controlling the operation of the integrated unit (Fig. 1/item 110, and col. 2/lines 58-67).

As for claim 11, Jeon further discloses the system “in which said integrated unit is so constructed that, when operation of said unit is switched from one of said modes to a different mode, operation of said integrated unit in said one mode will resume at the point where operation of the integrated unit in said one mode was interrupted” because the statuses from the appliances around the home are displaying on the screen by the input commands from the user; therefore, while he is watching a television program, he can check the status of a certain appliance, and then he can go back to the program he is watching on (col. 3/lines 50-65).

Regarding claims 12 and 14, Jeon discloses a system comprising: an appliance, i.e., home appliances such as an air conditioner, a boiler or exterior lights are addressed (col. 2/lines 60-63); and an integrated unit for monitoring appliance, an integrated unit comprising a screen; an integrated unit having an operating system with the capability of powering up said integrated unit to display a message on said screen if a fault arises in said appliance, i.e., a sensing input 60 may periodically, continuously or selectively monitors the statuses of the sensing device 90 for statuses of home devices/or appliances within the home or from remote commands supplied from a remote location away from the appliance and the monitoring device and the process of power up the system by the use of a phone modem (col. 1/lines 22-27; col. 2/lines 49-67 and col. 3/lines 1-12).

As for claim 13, Jeon further teaches “a system which comprises: means for monitoring the performance of an appliance; and means operable if a fault in the operation of said system occurs for communicating the existence and nature of said fault to a service or repair facility remote from said appliance”, i.e., abnormal situation occurs, and the monitoring system will report the situation to a facility such as a fire department remote from the appliance for curing the fire, if any, for fixing the problem (col. 3/lines 1-12).

Regarding claims 15-16, these claims for “an appliance; and a monitoring unit operably connected to the said appliance, said appliance comprising a sensor for monitoring a parameter indicative of the performance of the said appliance; and said monitoring unit comprising: means for sampling the parameter available from said sensor at periodic intervals; means for storing said parameter in said monitoring unit; and means for comparing the stored parameter with reference data such that a problem associated with the appliance is identified if said appliance fails” are rejected for the reasons given in the scope of claims 1-6 and 9-11 as already disclosed in details above.

Regarding claims 17-19, these claims for “a system which comprises: a supervisory unit; and means for transmitting to said supervisory unit status information on an appliance associated with said supervisory unit; said supervisory unit comprising a screen and an operating system for displaying on said screen a message reflecting the status information of said appliance”, with a microprocessing unit MPU 70 acts as a supervisory unit for processing collecting data from sensor input 60 (Fig. 1/item 70), are rejected for the reasons given in the scope of claims 1-6 and 9-11 as already disclosed in details above.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 7-8 and 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Jeon et al. (U.S. Patent No. 5,822,012) in view of Humpleman et al. (U.S. Patent No. 6,243,707 B1).

Regarding claim 7, in further view of claim 5 above, Jeon does not further disclose “in which: said integrated unit comprises a module comprising a player for a disc with laser readable data stored thereon; said integrated unit being operative in one of said multiple modes of operation to read data from said disc and communicate the retrieved data to a person using said integrated unit” as claimed; however, in the same field of endeavor, Humpleman teaches an exact same technique of including a player for a disc with laser readable data stored therein (either a laser disc or a DVD player) within a monitoring system for home appliances; in other words, using Internet and Internet technology to monitor and control home appliances including a DVD or DVCR for storing data thereon (Figs. 1 & 6-8; col. 4/lines 17-67 and col. 5/line 60 to

col. 6/line 50; col. 20/lines 58-67 for recording a program remotely via the Internet). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify Jeon's remote monitoring system of home appliances with Humpleman's teaching technique of further including a laser disc player, i.e., or a DVD or a DVCR, to the mentioned integrated unit in order for the user to browse video, audio, and for recording a desired program remotely via the Internet as suggested by Humpleman.

As for claim 8, in further view of claims 5 and 7 above, Humpleman further discloses "in which said integrated unit has a screen and an INTERNET mode of operation in which a user-actuable means is available to establish a connection to the Internet, said integrated unit having means thereafter displaying information obtained from an Internet site on said screen", i.e., television or cable television and Internet related data are incorporated for displaying on the display screen as desired (col. 4/lines 17-67 & col. 6/line 44 to col. 7/line 10 as DTV uses Internet for browsing and displaying data on the television screen).

As for claim 20, in further view of claims 7-8 above, Humpleman further teaches the priority associated with the status information displaying to the user's television screen by using command interorder in arranging actions in a macro file for doing steps in a proper order (see Fig. 16, and col. 22/lines 19-39).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Ivie et al (US Patent 5,815,086) & Mun (US Patent 5,579,221) & MacFaddyen et al (US Patent 5,101,191) disclose automated appliance control systems.

8. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

9. **Any response to this action should be mailed to:**

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9314, (for Technology Center 2600 only)

Hand-delivered responses should be brought to Crystal Park 11, 2121 Crystal Drive, Arlington, VA., Sixth Floor (Receptionist).

10. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Krista Kieu-Oanh Bui whose telephone number is (703) 305-0095. The examiner can normally be reached on Monday-Friday from 9:00 AM to 6:00 PM, with alternate Fridays off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Faile, can be reached on (703) 305-4380.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to Technology Center 2600 Customer Service Office whose telephone number is (703) 306-0377.

Krista Bui
Art Unit 2611
September 30, 2002


ANDREW FAILE
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 2600